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**BROOKLYN OFFICE**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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J & J SPORTS PRODUCTIONS, INC., as  
Broadcast Licensee of the May 5, 2007  
DeLaHoya/Mayweather Program,  
Plaintiff,

**NOT FOR PUBLICATION**  
**ORDER**

-against-

08 CV 885 (CBA) (JMA)

ELVIS GONZALEZ and SANTIAGO  
GONZALEZ, Individually, and d/b/a LA  
HIGIENICA RESTAURANT,  
Defendants.  
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AMON, United States District Judge:

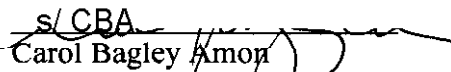
Plaintiff filed a complaint alleging violations of the 47 U.S.C. §§ 553(a)(1) and 605(a). Plaintiff alleges that it held the right to distribute the entire television broadcast of the DeLaHoya/Mayweather boxing match and associated programming on May 5, 2007. Plaintiff further alleges that this right was infringed by defendants who exhibited the program without paying the required fee. Defendants were served with a copy of the summons and complaint but failed to answer or otherwise move. The time to do so expired, and the Clerk entered a notation of default on April 23, 2008. This Court referred the matter for report and recommendation ("R&R") by the Honorable Joan M. Azrack, United States Magistrate Judge for the Eastern District of New York on the damages to be awarded against the defendants. Judge Azrack's R&R issued on October 31, 2008, recommending a default judgment be entered against defendants jointly and severally in the amount of \$4,650. The judgment is comprised of \$1,000 in statutory damages, \$3,000 in enhanced damages, and costs of \$650.

Any objections to the R&R were due within 10 days of its receipt by defendants.<sup>1</sup> No objections have been filed. In reviewing a magistrate judge's R&R where no timely objection has been made, the "court need only satisfy itself that there is no clear error on the face of the record." Urena v. New York, 160 F. Supp. 2d 606, 609-10 (S.D.N.Y. 2001) (quoting Nelson v. Smith, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985)). The Court has reviewed the R&R and found no clear error.

Accordingly, Magistrate Judge Azrack's well-reasoned R&R is hereby adopted as the opinion of the Court. Defendants are to be held jointly and severally liable as plaintiff alleges in the complaint that each individual defendant has the requisite control and financial interest with respect to the violations alleged. See Garden City Boxing Club, Inc. v. Extasis Corp., 07-cv-3853 (NGG) (CLP), 2008 WL 3049905 at \*8 (E.D.N.Y. Aug. 1, 2008). The clerk of the court is directed to enter judgment and to close this case.

SO ORDERED.

Dated: Brooklyn, New York  
November 24, 2008

  
Carol Bagley Amon  
United States District Judge



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<sup>1</sup>Judge Azrack's docket entry gave defendants an even more generous period in which to respond, until November 20, 2008. DE #12. This period, too, has elapsed.